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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/520,969 | 03/08/2000 | Kosuke Shimizu | 046601-5041 | 2127 |
| 9629 | 7590 | 04/01/2004 | EXAMINER | |
| MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004 | | | BRINICH, STEPHEN M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2624 | |

DATE MAILED: 04/01/2004 6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/520,969

Applicant(s)

SHIMIZU, KOSUKE

Examiner

Stephen M Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-9,11 and 12 is/are allowed.
- 6) ☒ Claim(s) 2 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 2 & 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Satou et al.

Re claims 2 & 10, Satou et al. discloses (Abstract, column 19, lines 1-32) an image reader in which an original is conveyed, first and second portions of the read image are compared (each portion being a pixel, the density value of which is readable as an "average" in the absence of a requirement that more than one value is averaged), and the density difference is compared to a threshold value T1 (which is corrected on the basis of read image values, as described at column 18, lines 64-67). Based on the result of this threshold comparison, streak-shaped noises are detected in the read image.

Allowable Subject Matter

3. Claims 1 & 4-9, & 11-12 are allowed.
4. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 1, 3, & 6-8 (and dependent claims 9 & 11-12), the art of record does not teach or suggest the recited selection of one of the two read image portions based on a detection of streak-shaped noise.

Re claim 4 (and dependent claim 5), the art of record does not teach or suggest the recited detection of steak-shaped noise specifically in one of the read image portions having a higher density value.

Response to Arguments

6. Applicant's arguments filed 19 December 2003 have been fully considered but they are not persuasive.

Re claims 2-3, Applicant argues (Paper #5: page 8, line 17 - page 9, line 7 and page 9, lines 14-17) that Satou et al. teaches (column 18, lines 63-64) that no calculation is carried out between the same pixels, whereas the present invention of claim 2 (and dependent claims 3 & 10) requires that a density difference is determined between average densities of the same area.

However, the difference determination of Satou et al. ($P_{i,j}$ - $P_{n,m}$) with its requirement that the same pixel is not used ($P_{i,j} \neq P_{n,m}$) does not exclude the recited determination of a pixel

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difference in the same area. Specifically, Satou teaches (column 18, line 60) that $P_{i,j}$ and $P_{n,m}$ are adjacent pixels (the values of i and j are within a range of ± 1 of the values of n and m , respectively), and thus are clearly within "the same area" as that term is normally used in the art. Thus, these two pixel values are readable as "average densities" (inherently being the "average" of a single value), and the difference between them is readable as "an average density difference between average densities of the same area".

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich
Examiner
Art Unit 2624

smb *smb*
March 23, 2004



THOMAS D.
~~LEE~~ LEE
PRIMARY EXAMINER